IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

WP(C).No. 26440 of 2005(V)

AGAINST THE ORDER IN IA.480/03 IN
OS.183/1998 of MUNI-MAGI.COURT,MANNARKAD

.....

PETITIONER:

KUNHUNNI GUPTHAN, AGED 73 YEARS,
S/O. KORANANGATTIL APPU MOOTHAN, POTHIRATH,
CHETHALLUR AMSOM AND DESOM, MANNARKKAD TALUK,
PALAKKAD DISTRICT.

BY ADV. SRI.SANTHEEP ANKARATH

RESPONDENTS:

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1. GOVINDHAN KUTTY.

2. P.V. SREEDHARAN.

3. P.V. RATNAKUMARI.

4. RUGMINI.

5. P.V. DHANYADEVI.

6. P.V. SIVARAMAN.
(ALL RESPONDENTS ARE THE CHILDREN OF
SREEDEVI VARASSIAR, RESIDING AT PUTHEN VARIYATH,
CHETHALLUR AMSOM AND DESOM, MANNARKKAD TALUK,
PALAKKAD DISTRICT).

BY ADV. SRI.M.V.HARIDAS MENON

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

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W.P.(C)No.26440 OF 2005

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DATED THIS THE 5th JULY, 2007

J U D G M E N T

The strenuous submissions of Sri.Santheep Ankarath, counsel for the petitioner notwithstanding, I am not persuaded to agree that Ext.P9 order of the learned Munsiff-Magistrate dismissing an application for setting aside the commissioner's report warrant interference under the supervisory jurisdiction of this Court under Article 227 of the Constitution. However, it will be observed that confirmation of Ext.P9 by this Court will not stand in the way of the court below considering any prospective application filed by the petitioner for remitting the advocate-commissioner's report to the very same commissioner in accordance with law.

Subject to the above observation, the Writ Petition is dismissed.

(PIUS C.KURIAKOSE, JUDGE)

tgl